

Australian Outrigger Canoe Racing Association Incorporated

Originally Adopted 28th June 2003

Updated _____ 2015

BY - LAW 3:

OFFENCES, DISCIPLINES AND APPEALS

The term Management Committee will for the purposes of this By-Law mean the Management Committee (or Board if AOCRA is a company limited by Guarantee) of AOCRA and also the Management Committee of a Zone except where specifically excluded:-

1. The powers of the Management Committee of a Zone to discipline a member shall be limited to any breach of conduct that is alleged to have occurred within that Zone's geographical zone.
2. The Management Committee is empowered by AOCRA's Constitution to fine, suspend, disqualify or expel from participation in outrigger canoe racing:-
 - (a) any Member or Official or other competitor found guilty of any breach of the rules, by-laws, standing orders, regatta rules of AOCRA or who fails to carry out any direction of AOCRA or whose conduct has been in the opinion of AOCRA likely to bring the sport into disrepute; or
 - (b) any Member who, in the opinion of the Management Committee are guilty of conduct bringing or likely to bring the sport of outrigger canoe racing into disrepute; or
 - (c) any Member who is convicted of an indictable offence; or
 - (d) any member having membership fees in arrears for two months or more.
3. The Management Committee shall be empowered to decide upon and deal with and give such rulings and decisions and make such orders as it shall think fit in respect of all matters not provided for in rules, by-laws, standing orders, regatta rules relating to the conduct of outrigger canoe racing or to the conduct or actions of any club or of any of the persons referred to in Clause 1 hereof or to any other matter whatsoever [the words "any matter whatsoever" not to have any restricted or limited meaning but to be fully comprehensive]. This shall include power to disqualify or forfeit any award, prize or points in any event under the Regatta Rules.
4. A Member who has been subjected to discipline pursuant to this By-Law or whose application for membership has been rejected or whose membership has been suspended or cancelled, may, within 28 days of receiving written notification thereof, lodge with the secretary of the AOCRA written notice of their intention to appeal against the decision together with any security deposit or bond as required (which, in the absence of any other standing direction of AOCRA shall be \$500). Such notice shall include all material that the Member wishes to rely upon at the hearing of the appeal.
5. The Appeal shall be conducted pursuant to by-law 16, Hearing Tribunals and Appeals in which:
 - (a) The Member shall be given the opportunity to fully present their case; and
 - (b) The relevant Management Committee or those Members thereof who imposed a disciplinary order or rejected the application of membership or

suspended or cancelled the membership shall have the opportunity of presenting their case.

6. For the avoidance of Doubt, this policy only applies to membership matters and disciplinary matters which were not initiated by way of Member Complaint. Any matter initiated by way of Member Complaint shall be dealt with in accordance with paragraph 3.8 and Attachment D1 of by-law 12 (being in the Member Protection Policy) and any penalties imposed therein are only subject to the appeal rights referred to in that policy.
7. In the event that the appeal is unsuccessful any costs incurred by AOCRA in hearing the appeal, such as telephone conference costs, video conference costs, solicitors fees, etc. AOCRA and/or the Zone may be ordered to be reimbursed by the complainant.
8. Where an individual member returns a positive drug test against any substance banned under the AOCRA Anti-Doping Policy and Regulations (Model Rules Australian Sports Drug Agency) the case may, upon the recommendation of the Management Committee or the election of the Member, be referred to the Court of Arbitration Sport or the National Sports Dispute Centre.

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